

Public Notice of Application for Permit

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495

ATTN: Jack Kennedy, Project Manager

Public Notice Date: April 17, 2006 Expiration Date: May 17, 2006

Reference: 200501405

Name: WSDOT

Interested parties are hereby notified that the Seattle District, U.S. Army Corps of Engineers (Seattle District) has received an application for a Department of the Army permit in accordance with Section 404 of the Clean Water Act for certain work described below and shown on the enclosed drawings.

APPLICANT: Washington State Department of Transportation

I-405 Project Office

600 - 108th Avenue Northeast, Suite 405

Bellevue, Washington 98004

ATTN: Chad Durand

Telephone: (425) 456-8571

E-mail: chad.durand@i405.wsdot.wa.gov

<u>LOCATION</u>: In a 2-mile section of the I-405 corridor between I-90 and Southeast 8th Street, in Bellevue, Washington. The corridor crosses five streams: three are unnamed (Unnamed Stream 1, Unnamed Stream 2, and Unnamed Stream 3 in the attached drawings), Trail Creek, and Median Creek. The corridor also contains four wetlands associated with the latter two creeks. All five creeks are tributaries to Mercer Slough.

<u>WORK</u>: The overall project involves adding one general purpose traffic lane in each direction to a 2-mile segment of I-405. The new lanes will generally be constructed in the median between the northbound and southbound lanes. Additional improvements will be made in the corridor, including upgrades to existing on- and off-ramps and High Occupancy Vehicle lanes.

Jurisdictional impacts to aquatic resources will result from reconstructing stream crossings, and new stormwater management facilities. If issued, this permit would be valid for 5 years.

Work under the jurisdiction of Section 404 of the Clean Water Act includes the following:

- New culverts under I-405 to pipe Unnamed Streams 2 and 3 underneath the roadway (drawing pages 2, 5, 6)
- Trail Creek would similarly receive a new segment of culvert under I-405, and 499 square foot Wetland 12.0M would be eliminated by new pavement for the southbound lane (pages 3, 7, 10).
- Median Creek, currently daylighted in the median strip, would be culverted and 10,942 square feet of its channel (840 lineal feet) filled and paved (pages 4, 8, 9, 11, 12, 13, 14). Wetland 12.45M, adjacent to the northern arm of Median Creek, would lose 37,511 square feet—half of its area—to fill and pavement (page 12).

• Fill and pavement would cover all of long, narrow, depressional wetland 12.5M, 1,970 square feet, 400 lineal feet (page 13).

In all, 10,942 square feet of streambed and 39,980 square feet of existing wetland would be subject to fill, for a total area of 50,922 square feet of aquatic impact.

An additional 6,702 square feet of Wetland 12.45M would experience temporary impacts during construction, mostly vegetation crushing due to equipment access.

Also, jurisdictional under the Headwaters, Inc. v. Talent Irrigation District are six roadside drainage ditch segments ranging in length from 40 feet to 2,090 feet (totaling 4,050 feet) to be filled and relocated as part of ramp widening and upgrading the stormwater management system.

<u>PURPOSE</u>: The purpose of the proposal is to reduce traffic congestion, improve roadway safety, increase travel speeds during peak commuter periods, create smoother traffic transitions, and improve freight mobility in a segment of the I-405 corridor.

ADDITIONAL INFORMATION: Copies of this public notice which have been physically distributed feature project drawings in black and white. The electronic version features those drawings in color, which we think more accurately communicates the scope of project impacts. To access the electronic version of this public notice, go to the Seattle District's web page at http://www.nws.usace.army.mil/ and scroll down the alphabetical listing of District elements, and click on "Regulatory" and then "Regulatory – Permits" for the Seattle District's Regulatory homepage. Select the prominently displayed "Public Notices" heading and a list of recently-issued public notices will appear, in chronological order of the date of issuance. Select the listing for this Washington State Department of Transportation project by clicking on the blue file number, 200501405.

<u>MITIGATION</u>: To offset for the permanent loss of 39,980 square feet (0.920 acre) of wetlands, WSDOT is proposing wetland mitigation within Kelsey Creek Park. WSDOT is also proposing on-site stream mitigation to replace the lost functions and values from 10,942 square feet (0.252) acre impact to Median Stream.

Wetland mitigation will occur within Kelsey Creek Park, which is located in the City of Bellevue east of I-405, near the intersection of Lake Hills Connector and Richard's Road. Wetland mitigation activities include:

- Establishing wetland hydrology in the wetland creation areas;
- Establishing native tree, shrub, and groundcover vegetation communities (emergents, herbs, and ferns) in the wetland creation and enhancement areas;
- Establishing native tree, shrub, and/or groundcover vegetation communities in the wetland buffer areas.

In total, WSDOT will provide a minimum of 1.29 acres of Category III wetland creation and a minimum of 0.07 acre of Category IV wetland creation.

Stream mitigation for the project will occur on-site, between 118th Avenue SE and I-405 where the existing southbound lane of I-405 will be abandoned. Stream mitigation activities include:

 Creating new stream channel to offset the functional losses from stream impacts (e.g., water conveyance, instream habitat).

- Creating new riparian habitat to offset the functional losses of impacted riparian areas (e.g., water temperature regulation, organic material input [i.e., litter], and contribution of large woody debris [LWD]).
- Improving existing stream and adjacent riparian habitat by increasing the structural and vegetative complexity (e.g., off-channel habitat, native vegetation).

Additional information on the mitigation for the project can be found in the *I-405, SE* 8th to *I-90* (South Bellevue) Project Draft Wetland Mitigation Plan and *I-405, SE* 8th to *I-90* (South Bellevue) Project Draft Stream Mitigation Plan. The document is available upon request from the applicant, and can be reviewed at the Seattle District's Regulatory office.

ENDANGERED SPECIES: The Endangered Species Act (ESA) requires federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (USFWS) pursuant to Section 7 of ESA on all actions that may affect a species listed (or proposed for listing) under the ESA as threatened or endangered or any designated critical habitat. Bald eagle, bull trout and Chinook salmon, all listed as "threatened" in the state of Washington, may occur in the proposed project area. For both fish species, critical habitat has been designated. The Federal Highway Administration, as the lead agency for ESA consultation, has consulted with the NMFS and the USFWS as required under Section 7 of the ESA. FHWA has determined that the project falls into the category of may affect, not likely to adversely affect all three species, and made the same determination about critical habitat of either species. At the time this public notice is being circulated, neither USFWS nor NMFS has completed their respective consultations.

ESSENTIAL FISH HABITAT: The Magnuson-Stevens Fishery Conservation and Management Act requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency, that may adversely affect Essential Fish Habitat (EFH). The proposed action would not impact any EFH.

The Federal Highway Administration, as the lead agency for a determination regarding EFH, will consult with the National Marine Fisheries Services if necessary.

<u>CULTURAL RESOURCES</u>: The Federal Highway Administration, as the lead agency for determining compliance with Section 106 of the National Historic Preservation Act, will consult with the State Historic Preservation Office as appropriate. This public notice initiates consultation under Section 106 of the National Historic Preservation Act (36 CFR 800.4[a][3]), with any Tribe that has information or concerns with historic properties in the proposed permit area.

<u>PUBLIC HEARING:</u> Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

<u>EVALUATION</u>: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits, which reasonably may be expected to accrue from the proposal, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation,

shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The U.S. Army Corps of Engineers is soliciting comments from the public; Native American Nations or tribal governments; Federal, State, and local agencies and officials; and other interested parties in order to consider and evaluate the impacts of this activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for the work. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the activity.

The proposed discharge will be evaluated for compliance with guidelines promulgated by the Environmental Protection Agency under authority of Section 404(b)(1) of the Clean Water Act. These guidelines require an alternatives analysis for any proposed discharge of dredged or fill material into waters of the United States.

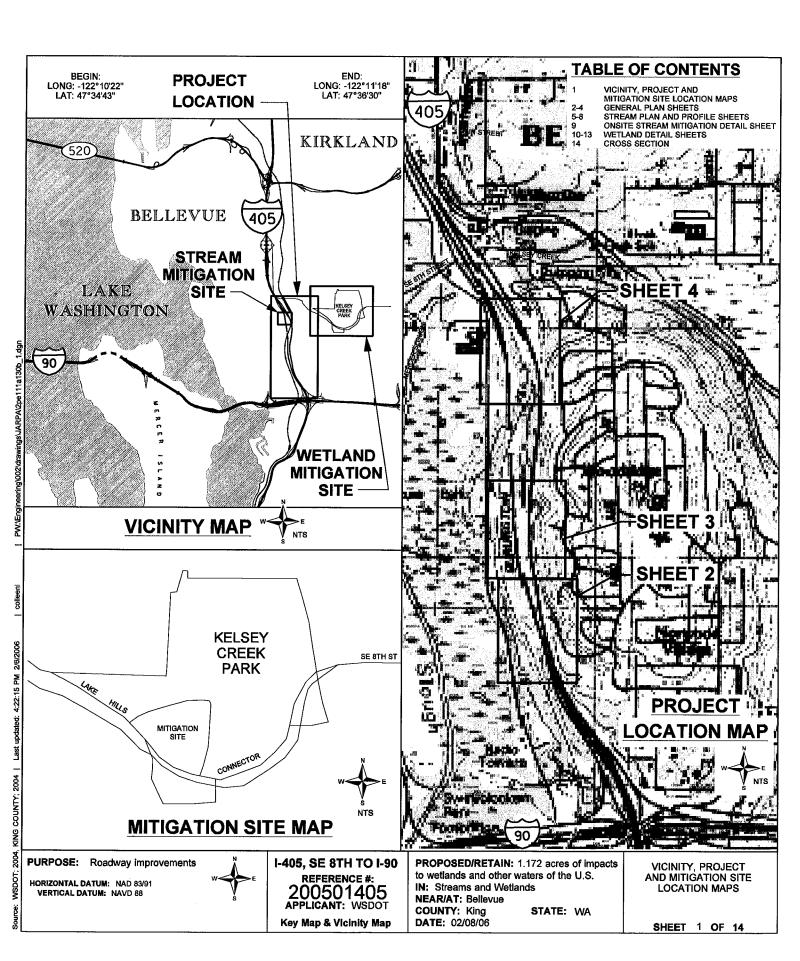
<u>ADDITIONAL EVALUATION</u>: The State of Washington is reviewing this work (for consistency with the approved Washington Coastal Zone Management Program) (and for compliance with the applicable State and Federal water quality standards pursuant to Section 401 of the Clean Water Act).

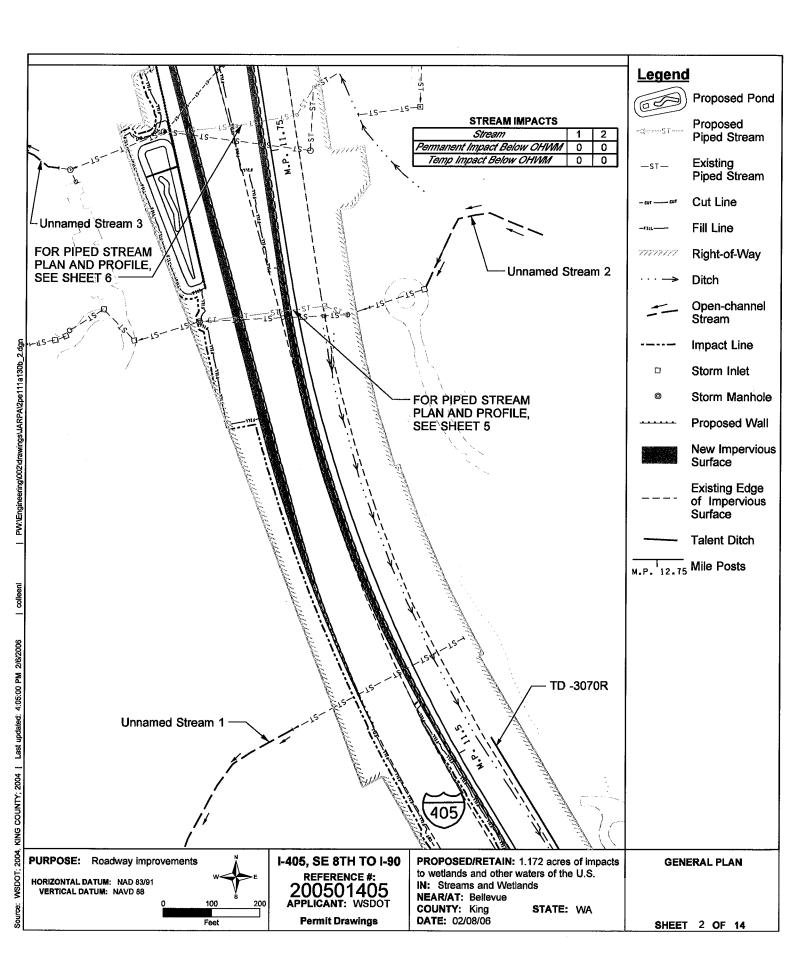
This proposal is the subject of a Shorelines Substantial Development Permit currently being processed by the City of Bellevue.

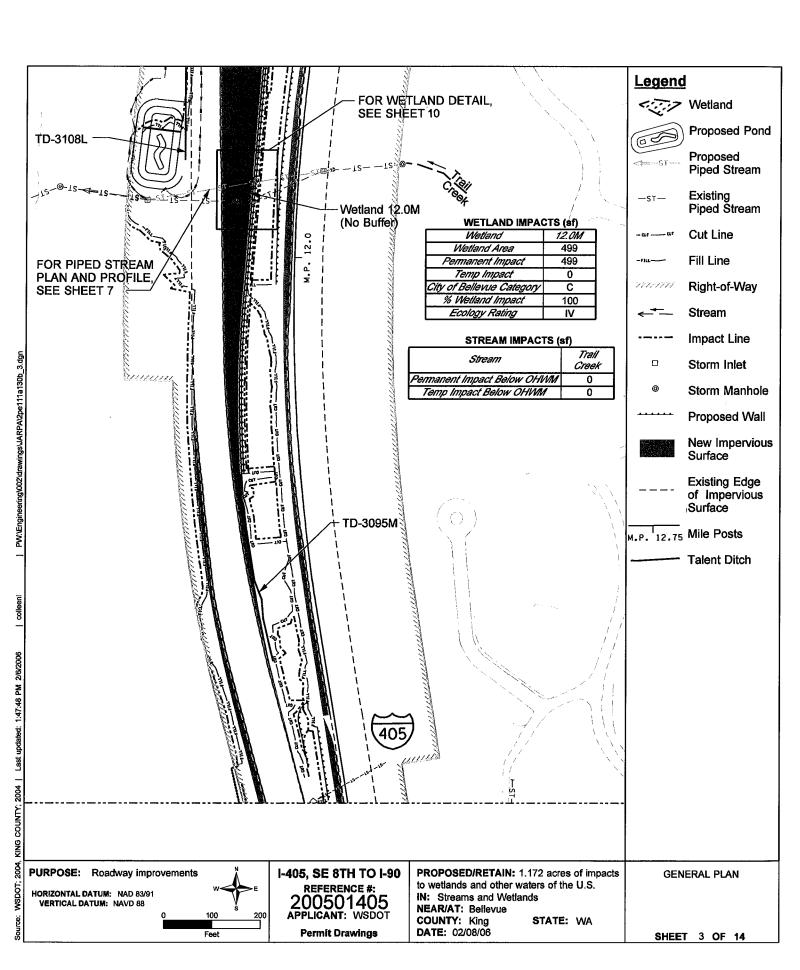
COMMENT AND REVIEW PERIOD: Conventional mail or e-mail comments on this public notice will be accepted and made part of the record and will be considered in determining whether it would be in the public interest to authorize this proposal. In order to be accepted, e-mail comments must originate from the author's e-mail account and must include on the subject line of the e-mail message the permit applicant's name and reference number as shown below. All e-mail comments should be sent to jack.kennedy@nws02.usace.army.mil Conventional mail comments should be sent to U.S. Army Corps of Engineers, Regulatory Branch, Post Office Box 3755, Seattle, Washington, 98124-3755. Both conventional mail and e-mail comments must include the permit applicant's name and reference number, as shown below, and the commentor's name, address, and phone number. All comments whether conventional mail or e-mail must reach this office, no later than the expiration date of this public notice to ensure consideration. Please include the following name and reference number:

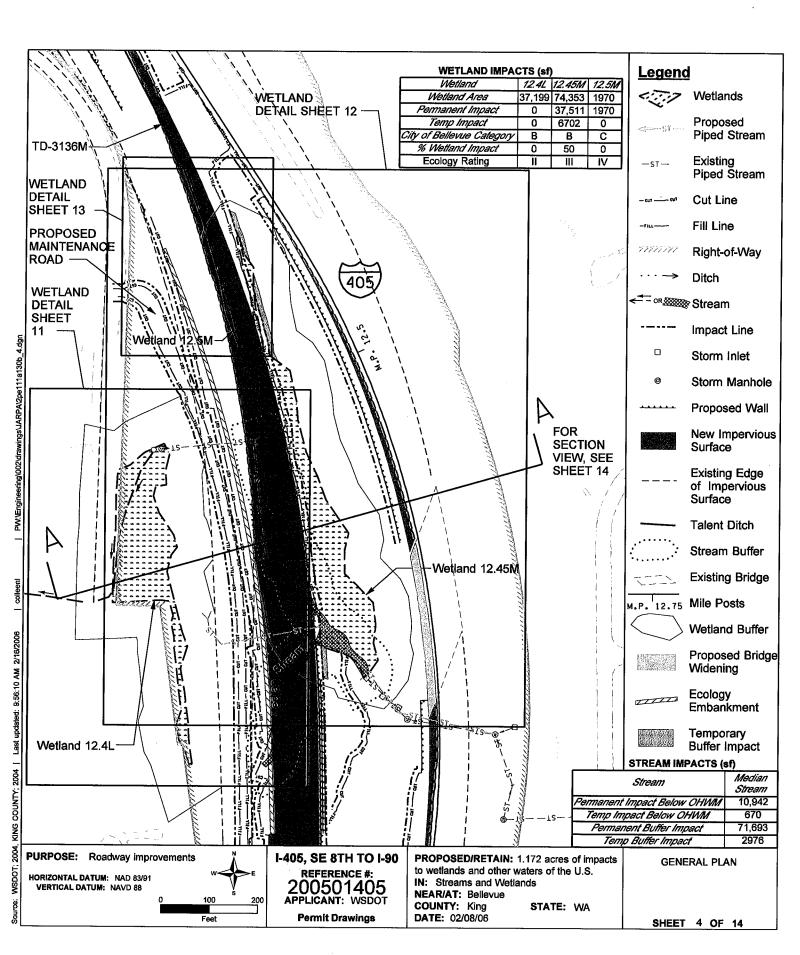
WSDOT, 200501405

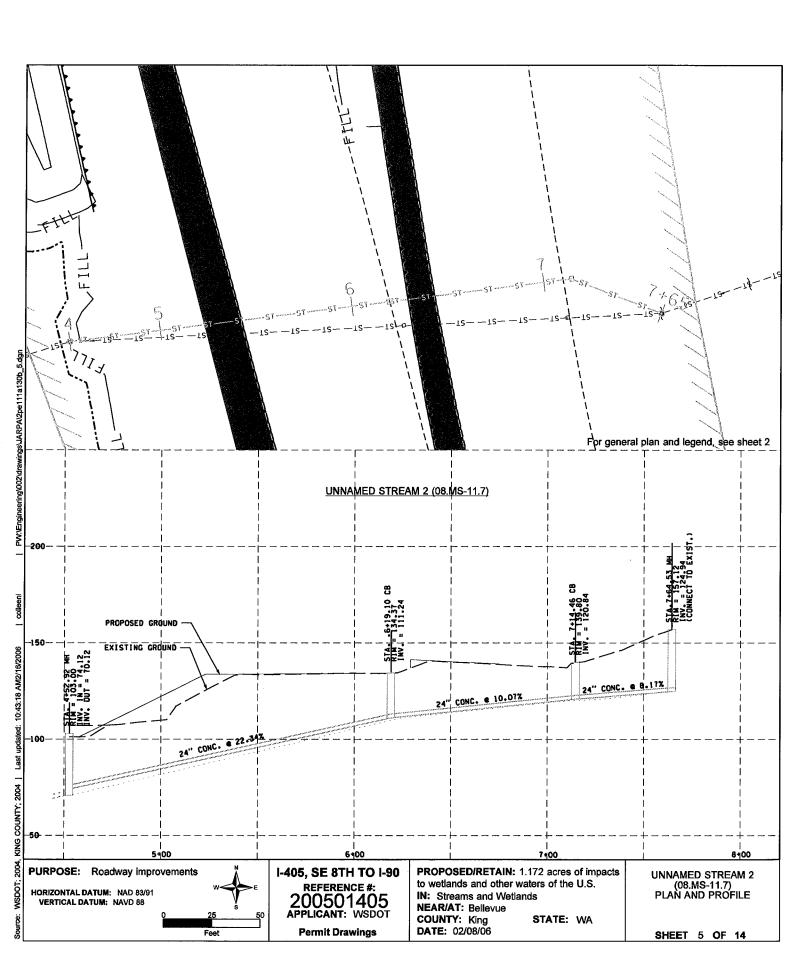
Encl Drawings (14)

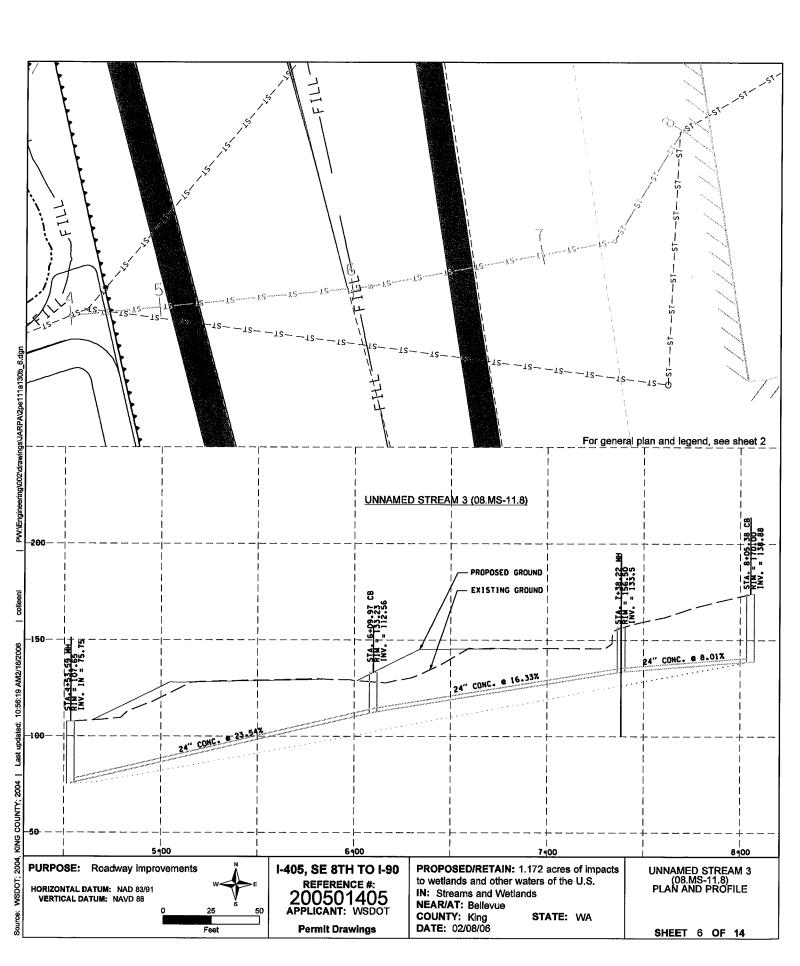


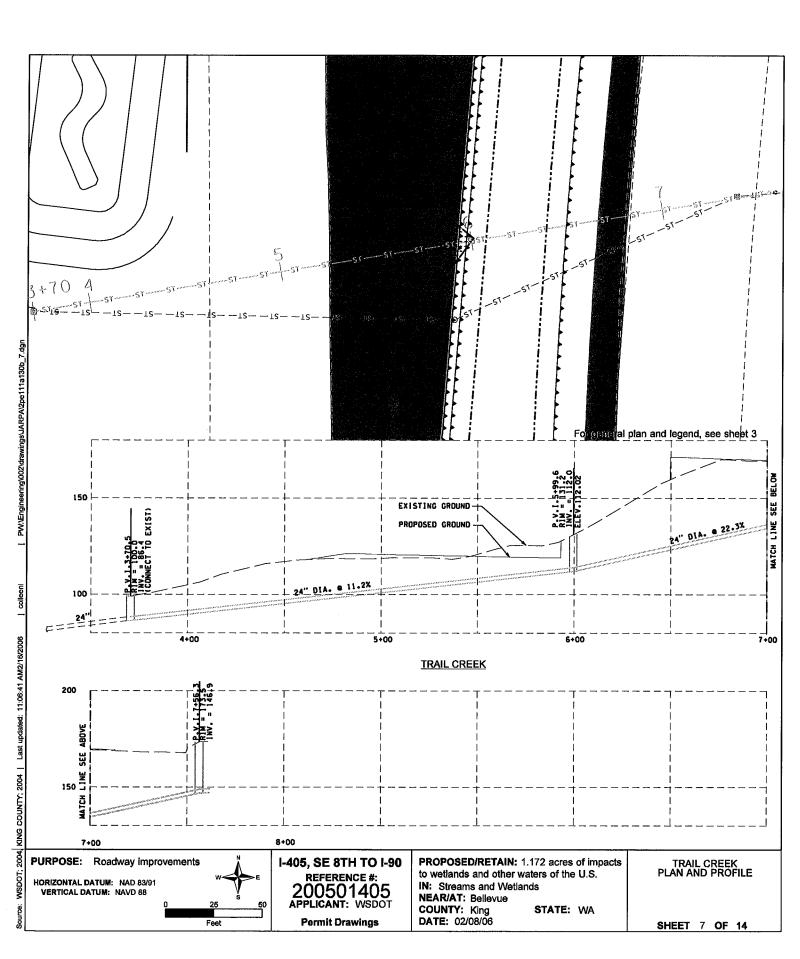


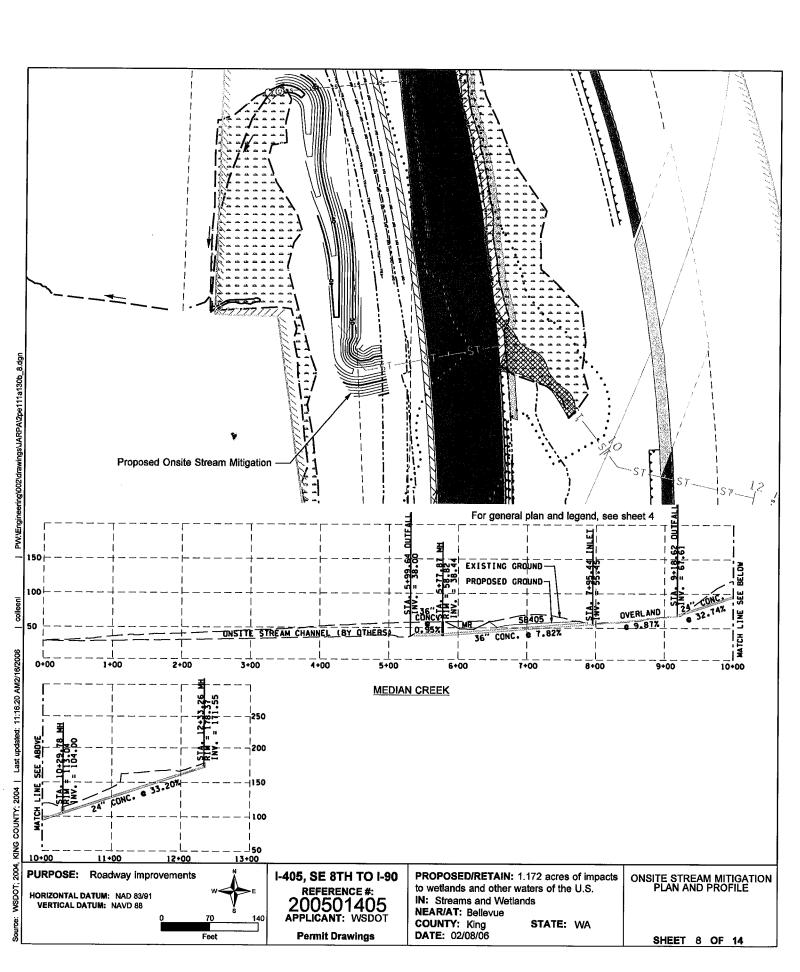


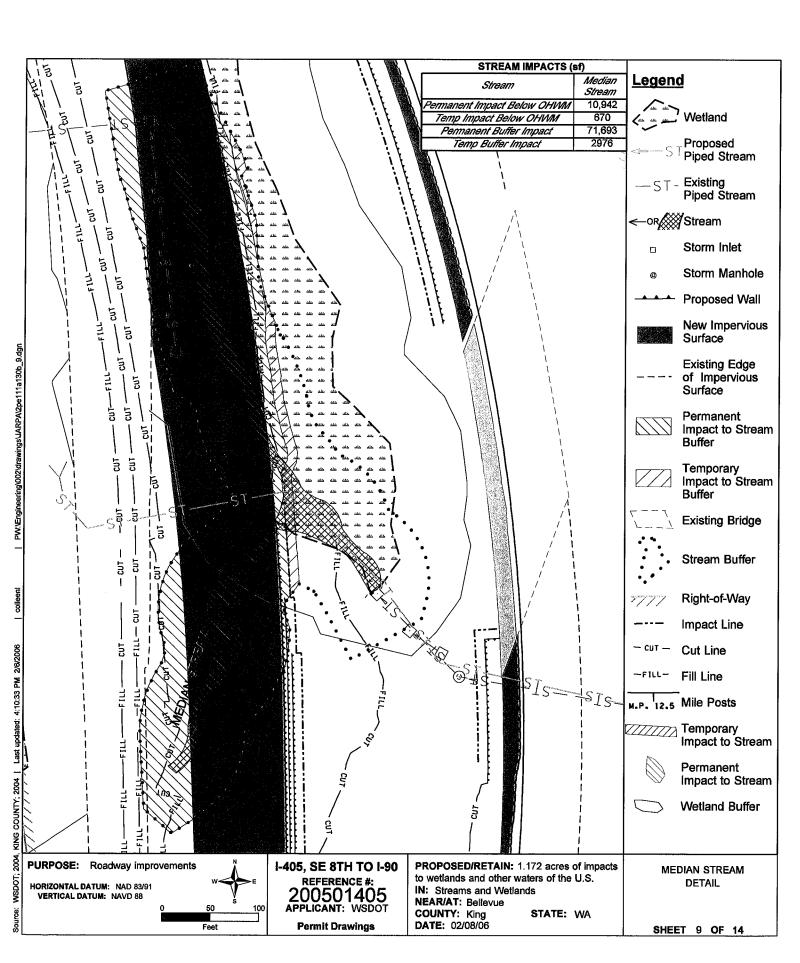


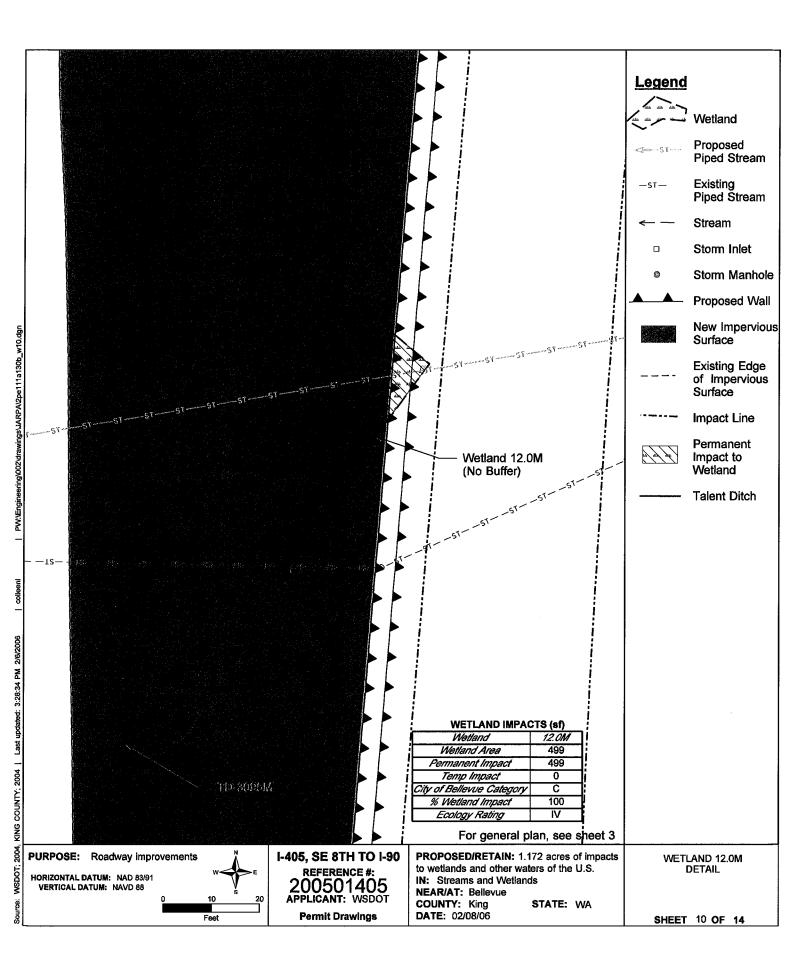


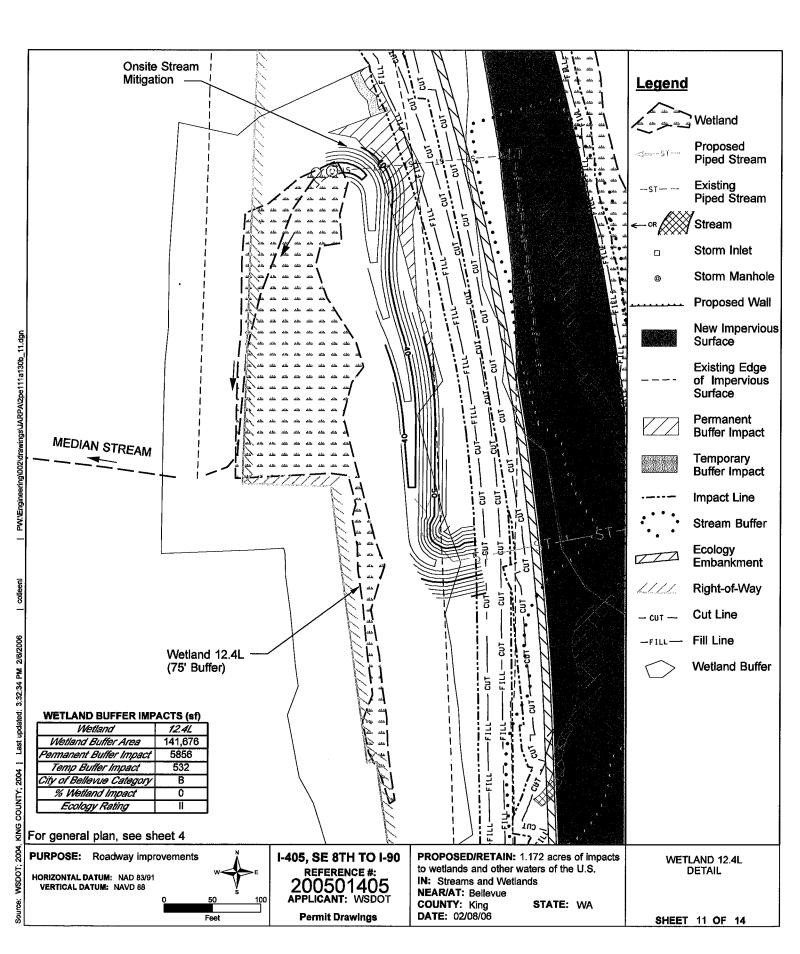


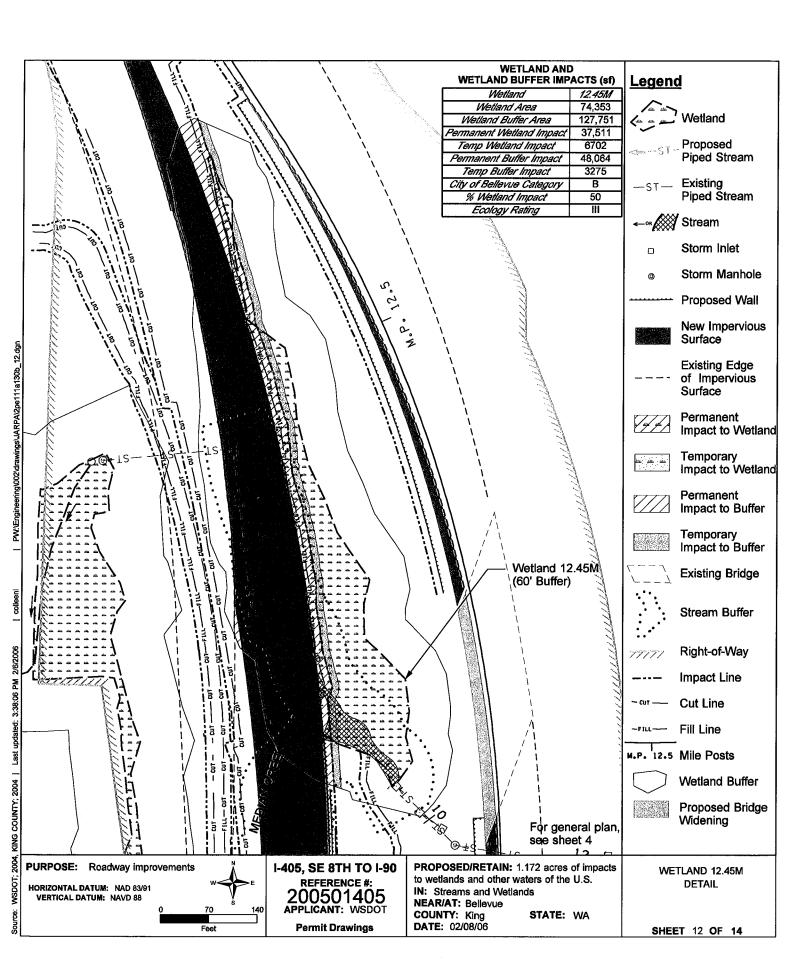


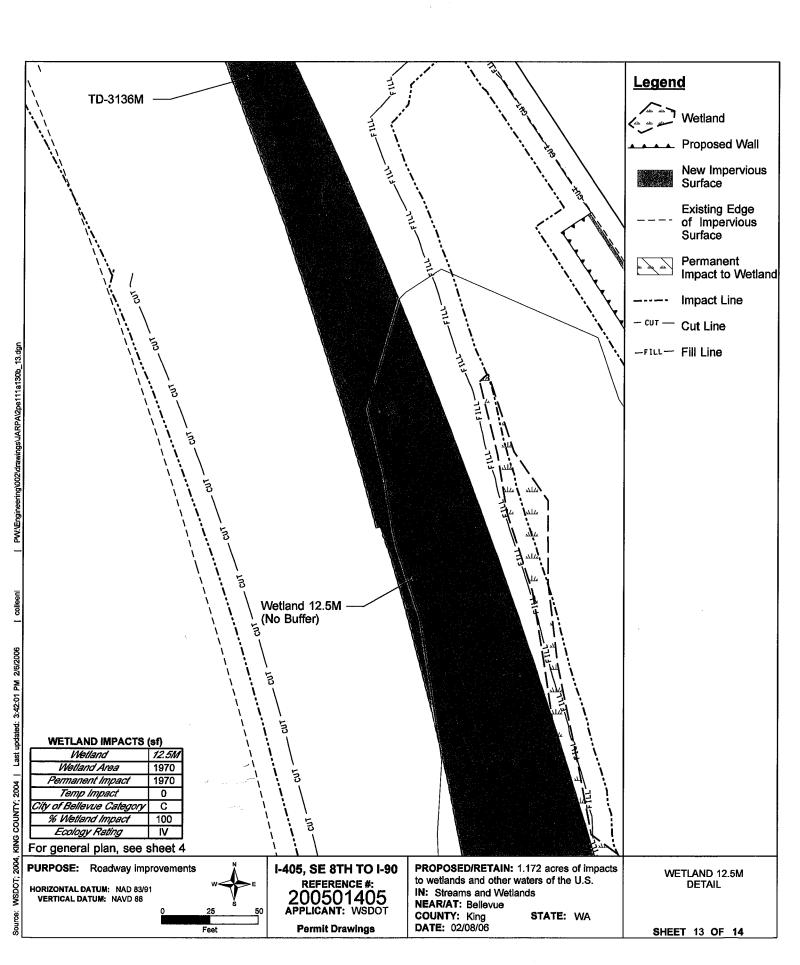


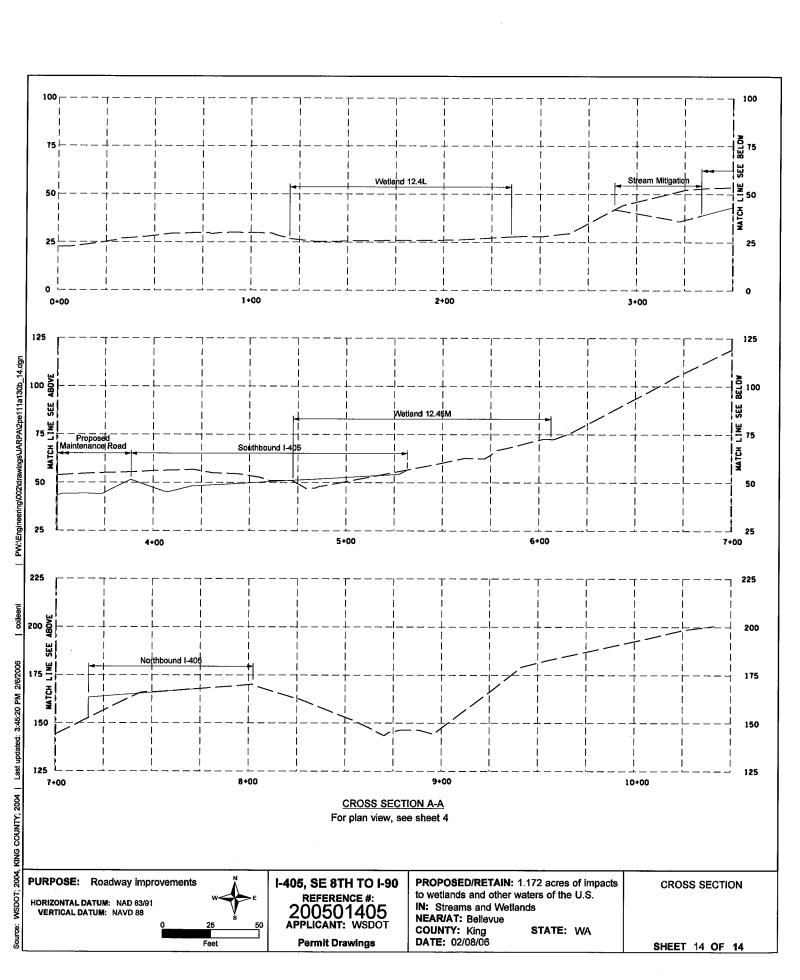














STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

P.O. Box 47600 • Olympia, Washington 98504-7600 (360) 407-6000 • TDD Only (Hearing Impaired) (360) 407-6006

STATE OF WASHINGTON DEPARTMENT OF ECOLOGY

Notice of Application for
Water Quality Certification
and for
Certification of Consistency with the
Washington Coastal Zone Management Program

Date: April 17, 2006

Notice is hereby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 401 of the federal Clean Water Act of 1977 (PL 95-217), to certify that the project described in the U.S. Army Corps of Engineers Public Notice No. 200501405 will comply with the Sections 301, 302, 303, 306, and 307 of the Act, and with applicable provisions of State and Federal water pollution control laws.

Notice is herby given that a request has been filed with the Department of Ecology, pursuant to the requirements of Section 307© of the Federal Coastal Zone Management Act of 1972 (16 U.S.C. 1451), to certify that the above referenced project will comply with the Washington State Coastal Zone Management Program and that the project will be conducted in a manner consistent with that program.

Any person desiring to present views on the project pertaining to the project on either or both (1) compliance with water pollution control laws or (2) the project's compliance or consistency with the Washington State Coastal Zone Management Program may do so by providing written comments within 30 days of the above publication date to:

Federal Permit Coordinator Department of Ecology SEA Program Post Office Box 47600 Olympia, Washington 98504-7600